

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CENTRAL TRANSPORT INTERNATIONAL, INC.,	:	CIVIL ACTION NO. 1:04-CV-2163
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
TBB GLOBAL LOGISTICS, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of September, 2006, upon consideration of plaintiff's motion in limine (Doc. 40), arguing that counterclaim defendant should not be permitted to introduce at trial evidence of damages not previously disclosed to plaintiff, and it appearing that counterclaim defendant submitted supplemental responses regarding its damages claim with its brief in opposition to the instant motion (see Doc. 44, Ex. 1), it is hereby ORDERED that the motion in limine (Doc. 40) is DENIED without prejudice to plaintiff's right to raise objections to counterclaim defendant's damages claims at the bench trial of this case.¹

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ Absent substantial justification, counterclaim defendant will not be permitted to proffer any evidence of its damages that it failed to disclose to plaintiff. See FED. R. CIV. P. 37(c); see also Nicholas v. Pa. State Univ., 227 F.3d 133, 148 (3d Cir. 2000) (listing factors to consider when excluding evidence); see also Tolerico v. Home Depot, 205 F.R.D. 169, 177 (M.D. Pa. 2002).